

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	Criminal No. 2:17-CR-076-D
	§	
LUIS ALBERTO ARMENDARIZ-	§	
CHAVEZ,	§	
	§	
Defendant.	§	

MEMORANDUM OPINION
AND ORDER

In this memorandum opinion and order, the court addresses the government's December 11, 2017 motion for discovery. Defendant Luis Alberto Armendariz-Chavez ("Armendariz") is charged in Count One of a one count indictment with the offense of illegal re-entry after deportation, in violation of 8 U.S.C. § 1326(a) and (b)(1) and 6 U.S.C. §§ 202(3), 202(4), and 557. Trial is scheduled for January 8, 2018. Armendariz has not responded to the government's motion.

The government moves for discovery under Fed. R. Crim. P. 16(b). It maintains that it has disclosed, or is in the process of disclosing, to Armendariz the evidence in the government's possession that is subject to discovery under Rule 16(a)(1). The government moves the court to order Armendariz to comply with the obligations imposed by Rule 16(b)(1)(A), 16(b)(1)(B), and 16(b)(1)(C).

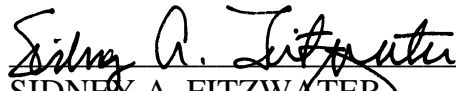
The government also moves the court to permit the government—at the time a defense witness testifies at trial—to examine, inspect, and copy any evidence, material, or matters

that might impeach or discredit the credibility of witnesses whom Armendariz intends to call at trial, and to permit the government to examine, inspect, and copy statements of any witnesses, written, oral, summarized, and/or adopted by said witnesses, including investigator's notes and work papers, that Armendariz calls as a witness at trial.

To the extent the government is entitled to discovery under Rule 16(b)(1) and has satisfied any applicable prerequisite prescribed by that Rule, the court grants that motion; otherwise the motion is denied. Armendariz must make the required disclosures no later than January 2, 2018, except to the extent the government seeks disclosure at the time a defense witness testifies at trial, in which case disclosure must be made at the time the defense witness testifies.

SO ORDERED.

December 27, 2017.



SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE